

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JULY 9, 2009

Presiding: Mayor Glenn W. Dalling  
Meeting Convened at 6:30 p.m.  
Prayer: Harold Harris  
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Renee Christensen, acting chairman of Planning & Zoning; Jesse Brown; and Joe Cherrington.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on June 25, 2009. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember King to accept said minutes; motion carried.

Marcie presented the June reconciliation reports for the General Fund. It was moved by Councilmember King and seconded by Councilmember Merrill to accept the June reconciliation reports for the General fund; motion carried. Marcie presented the June reconciliation reports for the Utility Fund. It was moved by Councilmember Orme and seconded by Councilmember Merrill to accept the June reconciliation reports for the Utility Fund; motion carried.

Marcie presented the current bills in the amount of \$161,201.79. It was moved by Councilmember King and seconded by Councilmember Harris to pay the current bills, together with all regular July bills that have not yet been received; motion carried.

**CITY CLERK SHARON L. BELL – DISCUSSION ON IDAHO'S NEW OPEN**

**MEETING LAWS:** Sharon informed the council of Idaho's new open meeting laws, which were effective on July 1, 2009, as follows:

(1) **AGENDAS** (Section 67-2343, Idaho Code). If an amendment is proposed less than 48 hours prior to a regular meeting or 24 hours prior to a special meeting, the amendment must be put on the posted agenda. But it is not effective until a motion is made at the meeting and voted on by the governing body to amend the agenda as proposed. If an amendment is proposed during the meeting, there must be a motion to amend the agenda that includes a good-faith reason why the item was not included in the original agenda posting and voted on by the governing body.

(2) **EXECUTIVE SESSIONS** (Section 67-2345, Idaho Code), plus minutes pertaining to executive sessions. Sharon emphasized that during an executive session, the subject may not be changed to a different subject, even if that subject would have been appropriate for executive session had it been identified in the motion to go into executive session. She said we have been

following these guidelines for executive sessions.

(3) **VIOLATIONS** (Section 67-2347, Idaho Code). This section sets forth penalties for violating any open meeting law. Sharon said the legislation provides the governing body an opportunity to cure any violations. The prosecuting attorneys of the various counties shall have the duty to enforce this act in relation to local public agencies within their respective jurisdictions.

**PLANNING & ZONING REPORT:** In the absence of P&Z Chair Brian Hawkes, Commissioner Renee Christensen addressed the council.

**Sugar-Salem School District's applications for special use permit and variance to extend their maintenance building:** Renee reported that P&Z did not approve the school district's applications for variance and special use permit. The variance application was incomplete in that it did not include an explanation of undue hardship should the variance be denied. In P&Z meetings, the school district stated reasons for requesting the variance, but those reasons must be listed on the application. Since the variance was not approved, P&Z could not approve the special use permit, either. Renee said she believes that P&Z will support future school district applications related to this proposed expansion if the applications are complete. No design review has been conducted yet.

**Two upcoming public hearings on July 16:**

**7:00 p.m. Old Farm Estates zoning correction:** Renee stated that P&Z has set their public hearing on the proposed Old Farm Estates zoning correction for Thursday, July 16, 2009, at 7 p.m. The mayor suggested that the city attorney be present.

**7:20 p.m. Proposed city zoning map:** Renee stated that P&Z has set their public hearing on the proposed city rezoning for Thursday, July 16, 2009, at 7:20 p.m.

**Status of wind turbine ordinance:** Renee reported that the wind turbine ordinance is almost complete. It just needs a little fine-tuning.

**DISCUSS P&Z ACTION ON SCHOOL DISTRICT APPLICATIONS. APPROVE, APPROVE WITH CONDITIONS OR MODIFICATIONS, OR DENY COMMISSION**

**ACTION ON SPECIAL USE PERMIT APPLICATION:** The mayor said the school district made mistakes in their applications. There are two factors involved: (1) if Vaun Waddell told us that they got their zoning changes made, the school district wouldn't have to request a special use permit; and (2) it makes sense to move 1<sup>st</sup> North over to connect into "B" Street. The mayor asked Councilmember Harris at the last meeting to get some subcontractors to bid on moving the street. Harold reported he was supposed to have the figures from the contractors, but he hadn't received them yet. This realignment puts 1<sup>st</sup> North heading toward "B" Street perpendicular to Front Street, which would take away the need for the school district to obtain a variance. If P&Z approves a rezoning for the city and changes the zone to "downtown commercial," that takes away the need for a special use permit. The school is willing to make the façade look nice. A short recess was held for the council to inspect the property in question on location.

The mayor asked Councilmember King to lead the discussion on P&Z's action. Bruce reported that he was in error two weeks ago when he said P&Z's decision to deny the school district's application for a special use permit and for a variance were final, unless the district appeals the decision. P&Z's decision is final only in the case of a variance application. The council must approve, approve with conditions or modifications, or deny the commission's action related to a special use permit application.

Bruce said that since (a) P&Z denied both applications because the variance application was incomplete, which would effectively stop the project; (b) the proposed expansion has not undergone design review as required by city code; and (c) information has come to light that a special use permit and variance may actually be unnecessary, he wished to make a motion.

**MOTION:** It was moved by Councilmember King and seconded by Councilmember Orme to approve P&Z's action to deny the school district's application for a special use permit and to waive any additional fees for reapplications related to the proposed expansion of the maintenance building; Harold Harris voted nay; Lamont Merrill abstained. The vote was 2 to 1, so the motion carried.

Bruce recommended that we suggest to the school district that it take up the matter again with P&Z. Other councilmembers suggested that the district wait for the city rezoning decisions in case a special use permit and variance become unnecessary and then to take up their request for expansion with P&Z. The mayor asked Sharon to bill the school district for the first publication of the notice of public hearing on the applications.

**JOE CHERRINGTON – PIONEER COMMUNITY BREAKFAST:** Mr. Cherrington addressed the council and reported that he agreed to be chairman for the pioneer community breakfast. He had Jessica type up handouts, which will be passed out throughout town by the Boy Scouts the week of the breakfast. He has most of the signatures of the adults who will help with cooking and serving. The food has all been donated, and the stoves are in place. He will get six or seven teenage girls to help with clearing and cleaning tables during the breakfast as well as cleaning up after the breakfast is over. Joe thanked the council for the portable pressure washer and said it would be useful for the breakfast. The mayor has lined up the public address (PA) system. Joe suggested a walking path around Heritage Park. Harold suggested a deck be built under the fire hydrant at Heritage Park.

#### **DEPARTMENT REPORTS:**

##### **COUNCILMEMBER HARRIS: Update on projects:**

**Road change:** Harold reported the proposed realignment puts 1<sup>st</sup> North heading toward "B" Street perpendicular to Front Street. He was supposed to have the figures from the contractors, but he hadn't received them yet. As he will be out of town for the July 23<sup>rd</sup> meeting, he will deliver his information on the road change to the mayor. The mayor gave Harold an official assignment to get the cost for movement of the road.

**Center Street storm drains:** Harold said Edstrom Construction will put in the cross drains next Monday. They are doing a good job, and by Wednesday of next week they should be starting to pour the curb and gutter for the project. The job should be finished by Wednesday or Thursday.

**COUNCILMEMBER ORME:** No report.

**COUNCILMEMBER KING:** No report.

**COUNCILMEMBER MERRILL:** Lamont said he received a bid from Inland Potable to cover cracks inside of the water tank with epoxy for \$5,650. They found some small cracks that may be leaking, but he feels it is questionable whether we need to do this now. Lamont recommended that we not proceed with this project this year. The council supported his recommendation.

**MAYOR'S BUSINESS:**

**Ribbon-cutting ceremonies for Bike Path and Business Park:** The mayor reported talking with Joe West, chairman of Madison County Trails, regarding a ribbon-cutting ceremony for the bike path on July 25. Also, the mayor proposed having a ribbon-cutting ceremony for the Business Park on July 25. It was the consensus of the council to move forward with these two ribbon-cutting ceremonies on July 25, the day of our pioneer community breakfast. These two ribbon-cutting ceremonies could be held during the time the breakfast is actually being served, early enough so that those who want to attend the parade in St. Anthony could have breakfast, attend the two ribbon-cutting ceremonies and still attend the parade. The mayor suggests we consider entering a float in the Rexburg Whoopee Days Parade and in the St. Anthony Parade next year to promote the city Business Park and the city in general.

Meeting adjourned at 8:50 p.m.

Signed: \_\_\_\_\_  
Glenn W. Dalling, Mayor

Attested: \_\_\_\_\_  
Sharon L. Bell, Clerk